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40 Unions appeal EPA's FOIA decision

Montana union officials are appealing a decision by the EPA to not release requested payroll information from the Libby superfund cleanup.

The request comes from Local 400 of the International Union of Operating Engineers, the United Brotherhood of Carpenters and Joiners and Montana District Council of Laborers. Through the Freedom of Information Act, union officials requested copies of all payroll records submitted by Marcor and Environmental Restoration Inc, and all other contractors employing Davis-Bacon eligible employees involved in the cleanup at Libby.

Patricia Hull, assistant regional administrator of the EPA's technical management services

division, said the information requested may contain trade secrets or commercial or financial information which is exempt from disclosure.

Also, the EPA pointed out that the records contain personal information related to individual employees.

Andrea Griswold, the FOIA officer for the Volpe Center - which oversees federal contracts, provided a similar explanation in denying access to the information.

"While workers in Montana do not want to think ill of anyone, it makes you wonder if someone has something to hide," said Randy Siemers, a Laborer's union official.

"Generally, there are two reasons why contractors don't want payroll records released," said

Mike Jonas, organizer for the Operating Engineers union. "They don't want the names of their employees known, or they are cheating, most commonly by misclassifying workers."

In an appeal letter to the EPA in Washington, D.C., the unions say they are not interested in the names, addresses or social security information contained in the records and that the information can be stricken out. They also said the information they seek on wages cannot be confidential because "wage rates paid to employees on the project" are set by the wage determinations issued by the U.S. Department of Labor and posted on jobsites.

The unions are seeking confirmation of the wage amounts paid for the cleanup of asbestos-tainted vermiculite insulation

from the first 200 residents in Libby in an effort to secure those wages for workers in the future.

The unions have stepped in to represent cleanup workers whose pay was slashed earlier this year in an effort by the EPA to cut costs. The EPA budget for the Libby cleanup has been reduced annually to the alarm of local residents and project managers for the federal agency.

The EPA is awaiting a decision by the Department of Labor on what would be fair wages for the Libby cleanup workers.

"I don't think we're asking too much," Siemers said. "Thousands of dollars have been taken out of the local economy by EPA's decision to lower cleanup workers' wages."